

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 2254 - SB 2528

February 11, 2018

SUMMARY OF BILL: Prohibits the statutory defenses to unlawful possession or carrying of a firearm from applying if a person has been previously convicted of the unlawful possession or carrying of a firearm.

ESTIMATED FISCAL IMPACT:

Increase Local Expenditures – \$64,300 Incarceration*

Assumptions:

- Tennessee Code Annotated § 39-17-1308 provides defenses for the unlawful possession or carrying of a weapon under Tenn. Code Ann. § 39-17-1307. These defenses are not available to a person described in Tenn. Code Ann. § 39-17-1307(b)(1).
- The proposed legislation provides that these defenses are not available to persons convicted for the unlawful carry or possession of a firearm under Tenn. Code Ann. § 39-17-1307.
- The proposed legislation will result in some individuals currently able to assert the defenses under Tenn. Code Ann. § 39-17-1308 (e.g., the carrying or possession occurred in the person's residence, the possession or carrying occurred incident to lawful hunting, etc.) being prohibited from asserting the defenses.
- According to statistics from the Administrative Office of the Courts (AOC), there has been an average of 166 convictions per year for violations of Tenn. Code Ann. § 39-17-1307, Class A, B, and C misdemeanors. These statistics represent convictions at the state court level. It is assumed that only 10 percent of misdemeanor convictions are at the state court level. It is assumed that there are a total of 1,660 convictions (166×10) per year for violations of Tenn. Code Ann. § 39-17-1307.
- The proposed legislation will result in a 10 percent ($1,660 \times 0.1 = 166.6$) increase in convictions because defendants will not be afforded the defenses under Tenn. Code Ann. § 39-17-1308. Of these convictions, 10 percent ($166.6 \times 0.1 = 16.6$) will serve a period of incarceration. These offenders will not be able to assert the defenses under the proposed legislation.
- The average offender will be convicted of a Class B misdemeanor and serve a period of confinement of 60 days.
- The estimated 2018 cost per inmate per day for local jails is \$63.00.

- The proposed legislation will increase local incarceration costs by \$64,260 (17 convictions x 60 days x \$63.00 cost per day).
- Any impact to the caseloads of the courts, public defenders, and district attorneys can be accommodated within their existing resources.

**Article II, Section 24 of the Tennessee Constitution provides that: no law of general application shall impose increased expenditure requirements on cities or counties unless the General Assembly shall provide that the state share in the cost.*

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in blue ink that reads "Krista M. Lee". The signature is written in a cursive, flowing style.

Krista M. Lee, Executive Director

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